

Applicants: Haller et al.  
Serial No. 09/764,681  
Page 12

### REMARKS

Claims 1-59 pending and per the non-final Office Action claims 1-59 stand rejected. Herewith Applicants amend Independent claims 1 and 29. Thus claims 1-59 are pending examination on the merits.

Applicants respectfully request entry and favorable consideration of the remarks and amendments presented herewith.

The present Amendment After Final is intended to place the application in condition for allowance, avoid raising additional issues and not require any additional searching or application of newly identified prior art. Applicants respectfully request entry and favorable consideration of the remarks and amendments tendered herewith.

#### ***Claim Rejections – 35 U.S.C. §103***

Claims 1, 2, 5, 7, 8, 10-22, 24-26, 28-30, 32-35, 37-49, 51-53 and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Smith et al. (5,456,692) in view of Nappholz et al. (5,720,770).

Claims 3, 4, and 31 stand rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Bernard (5,497,339).

Claims 9 and 36 stand rejected as being unpatentable over Smith in view of Nappholz et al. In further view of deCoriolis (5,342,408).

Applicants: Haller et al.  
Serial No. 09/764,681  
Page 13

Claims 23 and 50 stand rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Kalman (3,972,320).

Claims 27 and 54 stand rejected as being unpatentable over Smith in view of Nappholz et al. in further view of Kroll (5,258,906).

Claim 6 appears to have no *prima facie* obviousness rejection presented or applied although at the bottom of page 4 of the non-final Office Action a sentence appears (beginning with "Regarding claim 6,").

Applicants respectfully assert that the amendments to independent claims 1 and 29 patentably distinguish the presently claimed invention from the cited and applied prior art. That is, none of the art includes at least the following limitations; namely:

wherein the communication system includes means capable of performing *simultaneous* bi-directional communication with the mobile phone and the remote computer system and wherein the remote computer system couples to at least one of: an automatic expert system adapted to render one or more suggested courses of therapeutic action, a clinician, an emergency dispatch facility.

Since claims 2-28 and 30-55 depend either directly or indirectly from one of the independent claims, they too are patentably distinct from the cited and applied art.


Applicants: Haller et al.  
Serial No. 09/764,681  
Page 14

### CONCLUSION

Applicants respectfully assert that all presently pending claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims so that the claimed invention may timely issue as U.S. Letters Patent. Please charge any additional fees or credit any overpayment to deposit account number 13-2546. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

Date: 27 May '05

  
Paul H. McDowall  
Reg. 34,873  
Telephone: (763) 514-3351  
Customer No. 27581